



CITY OF MEMPHIS

COUNCIL AGENDA

July 7, 2009

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (June 16, 2009)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

PUBLIC HEARINGS

1. RESOLUTION approving a planned development located on the northwest corner of Houston Levee Road and Walnut Grove Road, containing 101.46 acres and is currently governed by P.D. 97-365cc & P.D. 03-387cc.

Morrison

Case No. PD 08-306cc

Applicants: Walnut Grove Properties, LLC
Farris-Bobango-Branan, PLLC – Representative

Request: Planned development to consolidate parcels into one (1) Outline Plan to allow a mixed-use plan of office and retail, including upper-story residential and live/work units, multi-family apartments/independent senior living facility and planned commercial development

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

24 NOTICES MAILED ON JUNE 19, 2009

2. RESOLUTION approving a use variance located on the west side of Collierville-Arlington Road, immediately north of Mary's Creek intersection, containing 6.96 acres in the Agricultural (AG) District.

Morrison

Case No. UV 08-11cc

Applicant: John & Kristina Laiche

Request: Use variation for a office/warehouse for electrical contractor

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

43 NOTICES MAILED ON JUNE 19, 2009

DIVISION OF PLANNING & DEVELOPMENT

3. RESOLUTION adopting the University District Comprehensive Plan. (Held from 4/21; 5/5)

Morrison

ACTION REQUESTED: Adopt the resolution

4. RESOLUTION approving a special use permit located on the southeast corner of Mississippi Boulevard and Oakland Avenue, containing 1.668 acres (72,658 sq. ft.) in the Single-Family Residential (R-S6) District. (Held from 6/2)

Morrison

Case No. SUP 09-204

Applicant: Rev. Kenneth S. Robinson, St. Andrews AME Church

Request: Day Care Center

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

5. RESOLUTION approving a special use permit located on the north side of Lamar Avenue; \pm 120 feet west of Airways Boulevard, containing 0.27 acre in the Highway Commercial (C-H) District.

Morrison

Case No. SUP 09-210

Applicant: J. Wise Smith

Request: Retail Sales – Outdoor (Ice Vending Machine)

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCE – THIRD AND FINAL READING

6. **ORDINANCE** to adopt the University District Overlay (UDO) as a Zoning Text Amendment, up for T H I R D and F I N A L reading. (Held from 4/21; 5/5)
- Morrison Ordinance No. 5301
Case No. ZTA 08-002

ACTION REQUESTED: Take whatever action Council deems advisable

907 NOTICES WERE MAILED ON APRIL 9, 2009

7. **ORDINANCE** to amend the text of the Zoning Ordinance, up for T H I R D and F I N A L reading. (Held from 4/21; 5/5)
- Morrison Ordinance No. 5302
Case No. Z08-104

Request: Amend the Official Zoning Map by adopting the proposed University District Comprehensive Rezoning and establishing the boundaries for the University District Overlay. The University Overlay includes proposed Shopfront or Urban Frontage Designation for segments of Highland, Southern, Walker, Central, Mynders, Patterson, Houston and Park

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

869 NOTICES WERE MAILED ON APRIL 9, 2009

8. **ORDINANCE** rezoning the southwest corner of Raines Road and Graceland Street, containing 0.112 acre in the Single Family Residential (R-S10) District, up for T H I R D and F I N A L reading. (Held from 6/2)
- Morrison Ordinance No. 5315
Case No. Z 09-101

Applicant: Shelby County Government
Tom Moss, Shelby County Real Estate Office – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

40 NOTICES WERE MAILED ON MAY 22, 2009



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING

9. **ORDINANCE** to amend Chapter 25, Code of Ordinances, City of Memphis, so as to increase Pension Benefits allowable under Section 25-95 and 25-195, up for F I R S T reading.

Flinn

Ordinance No. 5321

ACTION REQUESTED: Adopt the ordinance on First reading

10. **ORDINANCE** to amend Chapter 7, Code of Ordinances, City of Memphis, so as to decrease the membership of the Board of Directors of the Center City Commission, up for F I R S T reading.

Flinn

Ordinance No. 5322

ACTION REQUESTED: Adopt the ordinance on First reading

11. **ORDINANCE** amending Chapter 2, Article V, Division 3, of the Code of Ordinances, to establish a City of Memphis Fleet and Employee Take Home Vehicle Policy, up for F I R S T reading.

Flinn

Ordinance No. 5323

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING

12. **ORDINANCE** amending Chapter 20, Section 20-21 so as to exercise the City of Memphis Government's Statutory Option to opt out of any State Law that would authorize the carrying of Firearms on Public Parks, Playgrounds, Civic Centers, and other Public Recreational buildings and grounds, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5320

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING (None)

NOTATIONS FROM OPD

13. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 09-303 – Christie Place, P.D.

Located on the northeast corner of Elzey Avenue and Tanglewood Street, containing 0.904 acre in the Local Industrial (I-L) District

Applicant: The Cowles Company (Bernard Cowles)
SR Consulting, LLC – Cindy Reaves – Representative

Request: 10 residential lots (typical lot size 2,058 square feet)

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 09-306 – Lamar Davidson P.D. (Amended)

Located on the west side of Lamar; +/-750 feet south of Davidson Road, containing 35.41 acres in an area currently governed by the approved conditions for P.D. 04-359cc

Applicant: William B. and Paula F. Crow
SR Consulting, LLC – Cindy Reaves – Representative

Request: Tractor trailer storage and parking accommodation

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

C. Case No. PD 09-307 – Community Capital P.D.

Located on the north side of Monroe Avenue; +/-120.8 feet east of Belvedere Boulevard, containing 0.269 acre in the Multiple Dwelling Residential (R-MH) District

Applicant: Community Capital LLC (Archie Willis, III)
Paul Young – Representative

Request: Single tenant office building

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. PD 09-308 – Natural Learning School, P.D.

Located on the north side of Nelson Avenue; ±550 feet west of Tanglewood Street, containing 0.31 acre in the Single Family Residential (R-S6) District

Applicant: Natural Learning School, Dalila Early, Director

Request: Group Daycare Home in two existing houses

LUCB and OPD recommendation: APPROVAL, with conditions

E. Case No. SUP 09-206cc

Located on the north side of Bolen Huse Road; +/-840 feet west of Coleman Road, containing 122.50 acres in the Single Family Residential (R-S10) District

Applicant: Tower Ventures V, LLC
Tower Ventures V, LLC – Representative

Request: Allow a cell tower one-hundred ninety-five (195) feet in height with the ability to support six (6) sets of antennae arrays

LUCB and OPD recommendation: APPROVAL, with conditions

F. Case No. SUP 09-207

Located on the southeast corner of W. Shelby Drive and Jonetta Street, containing 1.01 acres in the Single Family Residential (RS-6) District

Applicant: David Grayson Ministries, Inc.
Allen & Hoshall, Inc. (Jay Caughman) – Representative

Request: Group Home for women (maximum number 11)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: July 21, 2009



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MLGW FISCAL CONSENT

14. RESOLUTION approving Change No. 4 to Contract No. 10863, Blue Pumpkin Software License/Maintenance/Support Services, with Verint Americas, Inc. in the funded amount of \$44,803.00. (This change is to upgrade the existing system, WFM Solution v7.7 to v7.8 with Adv Scorecards, Adherence, Strategic Planner and Lesson Management and also includes full WFM Solution On-site Training with travel).
15. RESOLUTION approving Change No. 3 to Contract No. 11105, Aerator Maintenance, with R. P. Services in the funded amount of \$211,563.45. (This change renews the contract for the third of four renewal terms, August 1, 2009 to July 31, 2010, with no increase in rates).
16. RESOLUTION approving Change No. 5 to Contract No. 11110, Courier Services, with Express Courier, Inc. in the funded amount of \$144,946.71. (This change renews the contract for the third of four renewal terms, September 1, 2009 through August 31, 2010, with no increase in rates or fuel surcharge).
17. RESOLUTION awarding contract for one vibratory asphalt roller to Thompson Machinery in the amount of \$43,570.00.
18. RESOLUTION amending Purchase Order No. 129505 with Tyndale Company for flame resistant clothing in the amount of \$266,093.00. (This amendment is needed to ensure that MLGW is in compliance with the National Electrical Safety Code).
19. RESOLUTION awarding Contract No. 11324, In-Service Wood Pole Inspection, to Osmose Utilities Services, Inc. in the funded amount not to exceed \$900,000.00.



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REGULAR AGENDA

20.
Flinn

APPOINTMENTS

Memphis & Shelby County Music Commission

Appointments

Michael Glenn
Julien Salley, Jr.

Public Art Oversight Committee

Re-appointment

Erin Harmon

GENERAL ORDINANCE – THIRD AND FINAL READING

21.
Lowery

ORDINANCE fixing Tax Rate of the City of Memphis for the Board of Education of the Memphis City Schools, up for T H I R D and F I N A L reading.

Ordinance No. 5319

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS (None)

GENERAL ITEMS (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

22. RESOLUTION approving a hotel waiver for the Iris Motel located on the southeast corner of Ledger Avenue and Elvis Presley Boulevard.

Morrison

Case No. HMW 09-01

ACTION REQUESTED: Adopt the resolution

23. RESOLUTION congratulating Dr. Michael O. Ugwueke on being named Administrator and CEO of Methodist North and South Hospitals.

Lowery

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION appropriating \$7,167,641.00 for the construction of the Animal Shelter Replacement, CIP Project Number PS01010, as part of the FY 09 Capital Improvement Program funded by G.O. Bonds General.

Brown

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION requesting City Council approval of the agreement between the City of Memphis, Tennessee through its Division of Park Services and the Summitt Management Corporation for the use of the Liberty Bowl Memorial Stadium and parking areas to accommodate the Southern Heritage Classic Game.

Strickland

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION requesting City Council approval of the agreement between the City of Memphis, Tennessee through its Division of Park Services and the Liberty Bowl Festival Association for the use of the Liberty Bowl Memorial Stadium and parking areas to accommodate the Liberty Bowl Classic.

Strickland

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION requesting City Council approval of the agreement between the City of Memphis, Tennessee through its Division of Park Services and the University of Memphis for the use of the Liberty Bowl Memorial Stadium and parking areas to accommodate each of the home football games.

Strickland

ACTION REQUESTED: Adopt the resolution

ADD-ONS

28. RESOLUTION expressing condolences to the family of former Councilman Thomas Hardy Todd, Jr.

Consent

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION encouraging an exchange/alliance between the City of Memphis through the Memphis and Shelby County Film Commission and Berlin-Brandenburg and its film commission.

Strickland, Halbert
& Ware

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION requesting the Shelby County Election Commission to hold a special election for the Office of Mayor.

Strickland

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. & 2 –Approved, as amended
3. & 4 –Approved
5. Approved, as amended
6. & 7 – Approved
8. Held until July 21, 2009
9. Through 12 – Approved
13. Public Hearing Set for July 21, 2009
14. Through 20 – Approved
21. Held until July 21, 2009
22. Failed
23. Through 30 - Approved

ACTION TAKEN ON THE MINUTES OF JUNE 16, 2009 MEETING

Approved

ACTION TAKEN ON THE MINUTES OF ITEMS #18, #24, #25, #26, & #27 FROM TONIGHT'S MEETING

Approved